

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. Contract ID Code	Page 1	of Pages 4
2. Amendment/Modification No. A01	3. Effective Date 08/15/08	4. Requisition/Purchase Req. No. N/A	5. Project No. (if applicable)		
6. Issued By Millennium Challenge Corporation 875 Fifteenth Street NW Washington, DC 20005 Katrina D. Jones (202) 521-3879		7. Administered By (If other than Item 6)		Code	
8. Name and Address of Contractor (No., Street, County, and Zip Code) TIN: DUNS:			9A. Amendment of Solicitation No. MCC-08-0115-RFP		
			X 9B. Date (See Item 11) 07/28/08		
			10A. Modification of Contract/Order No.		
			10B. Date (See Item 13)		
Code		Facility Code			

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

☐ The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of ☐ is extended ☐ is not extended. Offers must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods:
(a) By completing items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. Accounting and Appropriation Data (if required)

N/A

**13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACT/ORDERS.
IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.**

A. This change order is issued pursuant to: (Specify authority) The changes set forth in item 14 are made in the Contract Order No. in item 10A.
B. The above numbered Contract/Order is modified to reflect the administrative changes (such as changes in paying office, appropriation date, etc.) Set fourth item 14, pursuant to the authority of FAR 43.103 (b)
C. This supplemental agreement is entered into pursuant to authority of:
D. Other (Specify type of modification and authority)


E. IMPORTANT: Contractor ☐ is not, ☒ is required to sign this document and return 1 copy to the issuing office.

14. Description of Amendment/ Modification (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

The purpose of Amendment 01 is to extend the due date of proposals and provide the revised Section M.

- The proposal due date is changed from 2:00pm (EDT) August 29, 2008 to 2:00pm (EDT) September 4, 2008.
- Section M is replaced with the following:

Except as provided herein, all terms and conditions of the document referenced in item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

1A. Name and Title of Signer (Type or Print)		16A. Name and title of Contracting Officer (Type or Print) John Young youngj@mcc.gov 202. 521.3680	
15B. Contractor/Offoror (Signature of person authorized to sign)	15C. Date Signed	16B. United States of America  (Signature of Contracting Officer)	16C. Date Signed 8/15/08

SECTION M EVALUATION FACTORS

M.1 Basis for Award

ALL OFFEERS MUST BE MEMBERS OF THE BAR OF MOLDOVA AND LICENSED BY THE MINISTRY OF JUSTICE OF THE REPUBLIC OF MOLDOVA IN ORDER TO BE CONSIDERED FOR AWARD OFFERORS MUST ALSO HAVE AN OFFICE(S) IN MOLDOVA AND OR THE EASTERN EUROPEAN REGION. Offers received that do not meet aforementioned criteria will not be considered. The Government will make one award to the responsible Offeror whose responsive proposal represents the best value to the Government, price and other factors considered, in accordance with the evaluation criteria below. The best value tradeoff process described in FAR 15.101-1 permits tradeoffs among price and non-price factors and allows the Government to accept other than the lowest priced proposal or the highest technically rated proposal. The non-price factors, when combined, are significantly more important than price.

Evaluation factors:

1. Technical capability to provide the services described in Section C.3 in a responsive and cost-efficient manner, including the strength of the proposed team (partners and associates);
2. Past Performance (including demonstrated project finance and/or private equity work for international entities); and
3. Price/Hourly Rate

To be responsive the Offeror must address all the requirements of the solicitation and must include all information specifically required in all sections of the solicitation. The Offeror must state how it will meet the requirements; repeating back the words of the RFP is not acceptable.

The following evaluation factors are listed in descending order of importance:

M.2 EVALUATION FACTOR 1: Technical Capability

M.2.1 Understanding the Technical Requirements

The Government will evaluate the Offeror's understanding of the MCC's needs and technical requirements. The Offeror shall describe your firm's relevant experience as it relates to the following:

- a. Representing foreign investors in Moldova, especially in transactions/cases that involve GoM and/or Transnistria;
- b. Advising entities in negotiating, executing and implementing agreements with governmental entities located in foreign countries;
- c. Representing parties in the formation, organization and administration of legal entities in Moldova, especially those that perform a governmental or charitable function;
- d. Advising companies in hiring and firing employees /contractors in Moldova, including governmental employees;
- e. Representing investors in project finance, grants, and/or private equity transactions, particularly in the agricultural, transportation, energy and/or health sectors; and
- f. Advising international agencies or organizations.

M.2.2 TECHNICAL ADJECTIVAL RATING SYSTEM

The following rating system will be used to rate M.2.1 Understanding the Technical Requirement.

OUTSTANDING. The proposal exceeds the fullest expectations of the Government. The offeror has convincingly demonstrated that the evaluation requirements have been analyzed, evaluated, and its proposal should result in outstanding, effective, efficient, and economical performance under the order/contract. An assigned rating of “outstanding” indicates that, in terms of the specific factor (or subfactor), the proposal demonstrates an “outstanding” understanding of the factor, contains essentially no weaknesses, and exceeds the fullest expectations of the Government.

EXCELLENT. The proposal demonstrates a level of effort that fully meets the statement of work (SOW) requirements and could produce results which should prove to be substantially beneficial to the project, containing essentially no weaknesses. Fulfilling the definition of “excellent” indicates that, in terms of the specific factor (or subfactor), the proposal demonstrates a level of effort that fully meets or exceeds the Evaluation’s requirements in a way that should prove to be substantially beneficial to the project.

SATISFACTORY. The proposal meets the requirements. The proposal may contain weaknesses and/or significant weaknesses that are correctable but no deficiencies. An assigned rating of “satisfactory” indicates that, in terms of the specific factor (or subfactor), the proposal demonstrates a “satisfactory” understanding of the factor. If any weaknesses and/or significant weaknesses are noted, they should not seriously affect the offeror’s performance

MARGINAL. The proposal demonstrates a shallow understanding of the requirements and approach and marginally meets the minimum evaluation standard. The proposal contains weaknesses and/or significant weaknesses and may contain deficiencies. A rating of “marginal” indicates that, in terms of the specific factor (or subfactor), the proposal marginally meets the standard for minimal but acceptable performance. The offeror may complete the assigned tasks; however, there is at least a moderate risk that the offeror will not be successful.

UNSATISFACTORY. The proposal fails to meet a minimum requirement or contains a major deficiency or major deficiencies. The proposal is incomplete, vague, incompatible, incomprehensible, or so incorrect as to be unsatisfactory. The evaluator feels that the deficiency or deficiencies is/are uncorrectable without a major revision of the proposal. The assignment of a rating of “unsatisfactory” indicates that in terms of the specific factor (or subfactor) the proposal fails to meet performance or capability standards. The specific factor to be evaluated contains deficiencies.

M.3 EVALUATION FACTOR 2: Past Performance

The Government will evaluate the Offeror’s ability to provide the services set out in the solicitation in light of the Offeror’s past performance. The Offeror shall:

Subfactor M.3.a Provide evidence (Resumes) that it has the resources, including attorneys with a demonstrated history of academic and performance excellence, to perform the legal services listed in the solicitation in Moldova and Eastern Europe.

Subfactor M.3.b Identify at least three clients that the Government may contact to determine the quality and timeliness of services related to international agreements and/or business transaction in Moldova or Eastern Europe.

M.3.1 PAST PERFORMANCE EVALUATION RATING SYSTEM

The following rating system will be used to rate factor 2 Past Performance.

Low Risk – Based on offeror’s past performance record, essentially no doubt exists that the Offeror will successfully perform the required effort.

Moderate Risk – Based on the offeror's past performance record, some doubt exists that the Offeror will successfully perform the required effort.

High Risk – Based on the offeror's past performance record, extreme doubt exists that the Offeror will successfully perform the required effort.

Unknown Risk – No relevant performance record is identifiable upon which to base a meaningful performance risk prediction. A search was unable to identify any relevant past performance information for the Offeror or key team members/subcontractors or their key personnel. This is neither a negative or positive assessment.

M.4 Best Value

A contract will be awarded to the Offerors whose offer is the most advantageous to the Government and provides the best value based on trade-off analysis. The Government may consider award to other than the lowest priced Offeror or the highest technically rated Offeror if such an award is in the best interest of the Government.

M.5 Elimination of Offers for Efficiency

As allowed in FAR 52.215-1(f)(4), Instructions to Offerors-Competitive Acquisition. OCT 1997, if the Contracting Officer (CO) receives what it considers to be a large number of offers, then the CO may eliminate highly rated proposals. The purpose of this procedure is to reduce the time and cost of source selection, for both the Government and competing offerors.

****END OF AMENDMENT****